

SENATE BILL 592

P3, F2

2lr2269
CF HB 62

By: **Senator Pinsky**

Introduced and read first time: February 3, 2012

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Public Information Act – Public Institutions of Higher**
3 **Education – Permissible Denials**

4 FOR the purpose of authorizing a custodian of a public record to deny inspection under
5 the Public Information Act of a public record that is produced or collected by a
6 faculty member of a public institution of higher education under certain
7 circumstances; and generally relating to the application of the Public
8 Information Act to public institutions of higher education.

9 BY repealing and reenacting, with amendments,
10 Article – State Government
11 Section 10–618(d)
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2011 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – State Government**

17 10–618.

18 (d) (1) Subject to paragraph (2) of this subsection, a custodian may deny
19 inspection of a public record that contains the specific details of a research project that
20 an institution of the State or of a political subdivision is conducting.

21 (2) A custodian may not deny inspection of the part of a public record
22 that gives only the name, title, expenditures, and date when the final project summary
23 will be available.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) A CUSTODIAN MAY DENY THE INSPECTION OF A PUBLIC**
2 **RECORD THAT:**

3 **(I) WAS PRODUCED OR COLLECTED BY A FACULTY MEMBER**
4 **OF A PUBLIC INSTITUTION OF HIGHER EDUCATION;**

5 **(II) WAS CREATED WITHIN THE FACULTY MEMBER'S SCOPE**
6 **OF EMPLOYMENT;**

7 **(III) IS RELATED TO THE FACULTY MEMBER'S FIELD OF**
8 **DISCIPLINE AND DUTIES RELATED TO THAT FIELD OF DISCIPLINE, INCLUDING**
9 **THE GENERAL OBLIGATION OF A FACULTY MEMBER TO:**

- 10 **1. TEACH;**
11 **2. DO CREATIVE WORK; OR**
12 **3. CONDUCT RESEARCH; AND**

13 **(IV) HAS NOT BEEN PUBLICLY RELEASED, PUBLISHED, OR**
14 **COPYRIGHTED.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2012.